

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application:

**Listing of Claims:**

**Claim 1 (Currently Amended):** An apparatus for cutting bone, said apparatus comprising:

a shaft member extending between a proximal end portion and a distal end portion, said shaft member, proximal end portion and distal end portion extending substantially along a central axis, said proximal end portion having a first surface adapted to receive repetitive impacts, said distal end portion including a cutting blade adapted to cut through the bone and extending in a first plane between a shield section and a guide section, said shield section and said guide section being oppositely disposed about said central axis, said shield section and said guide section projecting axially beyond said cutting blade to recess said cutting blade in said distal end portion, said shield section including an inwardly facing shield surface which extends in a second plane that is transverse to said first plane of said cutting blade, said guide section including an enlarged substantially sphere shaped terminal end.

**Claim 2 (Original):** The apparatus of claim 1 wherein said shield section includes an arcuate end surface for sliding underneath soft tissues present on the outer peripheral surface of the bone as said shaft member is advanced, said shield surface functioning as a shield for said cutting blade to prevent undesired cutting of the soft tissues.

**Claim 3 (Original):** The apparatus of claim 2 wherein said shield section includes an outwardly facing ramp surface for cooperating with said arcuate end surface to lift the soft tissues off of the outer peripheral surface of the bone as said shaft member is advanced.

**Claim 4 (Original):** The apparatus of claim 1 wherein said guide section comprises a blunt tooth extending generally parallel to said central axis and acting as a guide to ensure that said distal end portion of said shaft member follows the contours of the inner cortical surface of the bone as said shaft member is advanced.

**Claim 5 (Currently Amended):** The apparatus of claim 1 wherein said guide section is substantially narrower in width than said inwardly facing shield surface of said shield portion.

**Claim 6 (Cancelled)**

**Claim 7 (Original):** The apparatus of claim 1 wherein said guide section projects axially beyond said shield section.

**Claim 8 (Currently Amended):** An apparatus for cutting through the cortical bone of a vertebral body, the cortical bone having an outer peripheral surface and an inner surface surrounding cancellous bone, said apparatus comprising:

an elongate member having a shaft portion extending along a central axis between a proximal end portion and a distal end portion, said proximal end portion having a platform adapted to receive repetitive impacts to advance said elongate member along the vertebral body;

said distal end portion of said elongate member including an arcuate cutting blade extending in a first plane between first and second tip portions, said cutting blade is adapted to cut through the cortical bone of the vertebral body as said elongate member is advanced;

said first tip portion having a shield surface which extends in a second plane that is transverse to said first plane of said cutting blade, said shield surface for shielding said cutting blade to prevent undesired cutting of soft tissues present on the outer peripheral surface of the vertebral body;

said second tip portion comprising a blunt tooth extending generally parallel to said central axis, said blunt tooth having an enlarged substantially sphere shaped terminal end and acting as a guide to ensure that said distal end portion of said elongate member follows the contours of the inner surface of the vertebral body as said elongate member is advanced.

**Claim 9 (Original):** The apparatus of claim 8 wherein said second tip portion of said distal end portion of said elongate member projects axially beyond said first tip portion.

**Claim 10 (Original):** The apparatus of claim 8 wherein said first tip portion includes an arcuate end surface for sliding underneath the soft tissues on the outer peripheral surface of the vertebral body as said elongate member is advanced.

**Claim 11 (Original):** The apparatus of claim 10 wherein said first tip portion further includes an outwardly facing ramp surface for cooperating with said arcuate end surface to lift the soft tissues off of the outer peripheral surface of the vertebral body as said shaft member is advanced.

**Claim 12 (Original):** The apparatus of claim 8 wherein said first and second tip portions projecting axially beyond said cutting blade to recess said cutting blade in said distal end portion.

**Claim 13 (Currently Amended):** The apparatus of claim 8 wherein said second tip portion is substantially narrower in width than said shield surface of said first tip portion.

**Claim 14 (Cancelled)**

**Claim 15 (Currently Amended):** An apparatus for cutting bone, said apparatus comprising:

a shaft member having a central axis and extending between a proximal end portion and a distal end portion, said proximal end portion having a first surface adapted to receive repetitive impacts, said distal end portion including a cutting blade extending in a first plane between a shield section and a guide section, said cutting blade being adapted to cut through the bone, said shield section and said guide section being oppositely disposed about said central axis, said shield section and said guide section projecting axially beyond said cutting blade to recess said cutting blade in said distal end portion, said shield section including an inwardly facing shield surface which extends in a second plane that is transverse to said first plane of said cutting blade, said guide section being substantially narrower in width than said inwardly facing shield surface of said shield section and projecting axially beyond said shield section.